

EXHIBIT 9

1 13 years.

2 Q And what area of the company did you work at in Fisher
3 Scientific?

4 A In the information technology group.

5 Q Just briefly, could you tell me some of the positions you
6 held while you were at Fisher during the period of time from
7 1986 to 1998?

8 A Sure. I started there as a programmer analyst. I worked
9 my way up to project leader, ultimately became a supervisor and
10 manager of product development.

11 Q And you are one of the named inventors on the three
12 patents in suit here, the patents that are at issue, the '683,
13 '516, and '172 is how we've been referring to; is that right?

14 A Yes.

15 Q And did you work on that project with both Mr. Momyer and
16 Mr. Kinross?

17 A Yes.

18 Q Mr. Momyer has testified yesterday and today to sort of
19 the big overview of the picture of the development of the
20 inventions in your electronic sourcing system. What I'd like
21 to focus on today with you is what, if any, necessary
22 modifications, revisions, reprogramming, or new things needed
23 to be done in order to modify the RIMS system into what became
24 the subject matter of the these patents, the electronic
25 sourcing system.

1 So at a high view for now, could you just identify the
2 areas that you were involved in that project?

3 A The areas I was involved in was to reengineer the programs
4 basically to be able to build a graphic user interface that the
5 end user could use. We also modified the requisitioning
6 portion of the system to be able to handle multiple products
7 from various vendors.

8 In addition to that, we also allowed for that single
9 requisition to be broken up into multiple purchase orders by A
10 vendor. We also built the interface actually over to the
11 electronic catalog as well.

12 Q I'm sorry, I didn't hear your last answer. You built the
13 interface to the electronic catalogs?

14 A There was an interface we built to be able to pass
15 information from the requisitioning system over to the
16 electronic catalog system, yes.

17 Q What about the issue of inventory availability, did you
18 have to do anything to modify the RIMS system in order to have
19 that functionality in the inventions of your electronic
20 sourcing system?

21 A Yeah. Basically we used, tapped into a technology for EDI
22 to be able to go out to a vendor and get some pricing and
23 availability as well.

24 Q What about, did you have any involvement in any of the
25 business logic necessary for the functionality of the

1 A And old mainframe terminology where the characters on the
2 screen are basically green.

3 Q Did the RIMS have a green screen technology?

4 A Yes.

5 Q I'm sorry?

6 A Yes.

7 Q And were you involved in programming and creating this
8 graphical user interface for the electronic sourcing system?

9 A Yes. I was involved in providing all the requirements to
10 the people that worked for me to develop it, yes.

11 Q Did you supervise those people?

12 A Yes.

13 Q You also mentioned you had to design the interface for
14 communication between the requisitioning and purchasing program
15 and the catalog database. Could you tell me what that entailed
16 and why that was necessary?

17 A Well, it was necessary because the initial idea was to
18 supply a system that would allow us to do a complete supply
19 chain management end to end, be able to select products,
20 process the requisition, and ultimately generate a purchase
21 order.

22 In order to do that, we needed to connect the
23 requisitioning management system to this electronic catalog, so
24 we built some APIs, which are application program interfaces,
25 that had a two-way communication channel basically between the

1 requisition management system and the cataloging system so we
2 could pass data back and forth without losing any information.

3 Q Did you have that interface in the RIMS system, or did
4 that have to be created?

5 A No, that was not in the RIMS system. That had to be
6 created.

7 Q Why is that?

8 A It wasn't there.

9 Q Why --

10 THE COURT: You asked for it.

11 Q Let me see if I can rephrase the question. Why did you
12 feel that it was necessary?

13 A Well, it was necessary because in order for us to provide
14 a complete shopping experience without frustrating the user, we
15 wanted to seamlessly be able to process the information they
16 were selecting in the catalog into the requisition without them
17 having to look at a catalog, go over to the requisition system,
18 type it in, go back to the catalog, look for another product,
19 write it down, go over to the requisition system and type it
20 in. We wanted a seamless interface so the user just had to
21 point and click and push a button, and all that data would flow
22 automatically.

23 Q The way you described the difficulty you were trying to
24 overcome, did the RIMS system even have that kind of primitive
25 technology?

1 Q And so did you need to be able to have that, to modify
2 that capability from RIMS to your electronic sourcing system
3 inventions in order to have that capability of transferring and
4 moving around a lot of data?

5 A Well, I mean, what you asked me is what did we do to the
6 business logic to remove the presentation layer. What we
7 needed to do was we needed to basically reengineer those
8 programs so they no longer worked with the green screens that I
9 mentioned earlier.

10 Those green screens were ripped out of those programs, and
11 we converted those programs into basically what we now call
12 business object that all it did was manage the business logic.
13 Then we built the interfaces to the graphical user interface
14 so, in short, the GUI could interface to the business logic.

15 Q Was that an important aspect for making your invention
16 user-friendly and functional?

17 A Yeah. It was pretty much a requirement.

18 Q And just so I'm clear, that wasn't available or present in
19 the RIMS system?

20 A No.

21 Q You also, I think, mentioned that you had to modify
22 requisition coding; is that correct?

23 A Yes. We -- at the time, the RIMS system could only
24 communicate to the Fisher mainframe, Fisher being Fisher
25 Scientific. The programs were primarily sourcing those

1 products all to Fisher, so it was one requisition and
2 ultimately one requisition that was sent to the Fisher
3 mainframe as an order. So basically we changed those programs
4 to be able to accept, in the requisitioning process, the
5 ability to add multiple products from different vendors to a
6 single requisition.

7 Q In modifying this requisition coding, did it also address
8 any issues involving the purchase orders from these
9 requisitions?

10 A Yes. As an end result, once the requisition was created,
11 the user could say, yes, I want this order, go ahead and place
12 it. The system would then take that requisition and by vendor
13 create multiple purchase orders with the products associated to
14 that vendor.

15 Q You also mentioned this purchase order creation capability
16 that you needed to do. Can you tell me how that changed from
17 the prior RIMS system, if at all, to -- for purposes of your
18 invention?

19 A Well, as I said earlier, RIMS could only communicate to
20 the Fisher mainframe, so the order was actually created through
21 the Fisher mainframe system. So in the electronic sourcing
22 system, what we needed to do was to be able to create purchase
23 orders that could be sent out to vendors through one of a
24 couple of different mechanisms to get the purchase order over
25 to the appropriate vendor.

1 Q When you say sent out, that could be sent out from a local
2 computer where an individual was using your electronic sourcing
3 invention to make a request for an item from multiple vendors?

4 A It was a computer that was located at the customer
5 location, yes.

6 Q The end user could utilize the electronic sourcing system
7 in order to accomplish the goals of your invention; is that
8 right?

9 A Yes. They would be working on a work station
10 theoretically in their laboratory or in their office
11 communicating to a server located on the network.

12 Q And that server on the network would have information
13 available to transmit that contained information about products
14 that were available?

15 A That's where the business logic resided, yes.

16 Q You also mentioned this inventory availability issue that
17 had to be addressed with respect to modifying or revising,
18 reprogramming the RIMS system in order to achieve the goals of
19 your electronic sourcing system. Do you recall that?

20 A Yes.

21 Q What did that entail?

22 A End users, in other words, for them to make a good
23 decision as to whether or not to make a purchase, they want to
24 know pricing and availability, how much is it going to cost
25 them and am I going to get the product shipped, or is it going

1 to go on backorder. In order to do that, we introduced a
2 technology of EDI to be able to generate -- back then what it
3 was called was a request for quote, to be able to send to a
4 vendor to say, can you give me the information about this
5 product, do you have it in stock, and how much is it going to
6 cost me.

7 So that request for quote would be responded to by the
8 vendor with a response to request for quote that would give us
9 that information.

10 Q Now, RIMS had some inventory availability capability with
11 regard to Fisher products; is that right?

12 A Yes, it did.

13 Q Did RIMS have this inventory availability capability you
14 just described with regard to multiple vendors?

15 A No.

16 MR. ROBERTSON: That's all I have. Please answer
17 whatever questions Mr. McDonald may have.

18 MR. McDONALD: I take it, Your Honor, you want to
19 keep us rolling, rolling, rolling.

20 THE COURT: I don't think you have many questions, do
21 you? He hasn't been on but about 15 minutes or so.

22 MR. McDONALD: That's true.

23 THE COURT: I don't see how you are going to go
24 beyond that, but if we do, we'll see where we are in
25 15 minutes.